

ATTORNEY DOCKET NO.: 044574-5064

Yung-Chi CHENG *et al.*

Application No.: 09/522,055

Examiner: Unassigned

Filed: March 9, 2000

Group Art Unit: 1616

**For: HERBAL COMPOSITION PHY-906  
AND ITS USE IN CHEMOTHERAPY**

Commissioner for Patents  
**BOX MISSING PARTS**  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

1. This replies to the Notice to File Missing parts of Application (PTO-1533) mailed May 16, 2000. (next business day rule applies since July 16 falls on a Sunday).

**A copy of the Notice To File Missing Parts Of Application-Filing Date Granted (Form PTO-1533) is enclosed.**

- ## 2. Declaration Or Oath

☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney

[ ] The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

[ ] The declaration or oath which was filed was determined to be defective.  
A new original Combined Declaration and Power of Attorney is attached.

## 3. English Translation of Non-English Language Papers

☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document

## 4. Small Entity Statement(s)

☒ Verified Statement(s) that this is a filing by a small entity  
☒ is attached

☐ was filed on \_\_\_\_\_.

## 5. Fee Calculation

Basic Fee:				
Patent Application	-	\$690.00 [Small Entity \$345.00]		\$690.00
Design Application	-	\$310.00 [Small Entity \$155.00]		
	Number Filed	Number Extra	at a Rate of	
Total Claims	24 - 20 =	4	\$18.00 each =	+ 72.00
Independent Claims	6 - 3 =	3	\$78.00 each =	+ 234.00
Multiple dependent claim(s), if any			\$260.00	+
Missing Parts Surcharge Fee			\$130.00	+ 130.00
SUB-TOTAL =				\$1126.00
Reduction by ½ for filing by a small entity				- \$ 563.00
SUB-TOTAL =				\$ 563.00
Fee For Application Filed With A Non-English Specification (37 CFR 1.17(k) and 1.52(d))			\$130.00	+
Fee For Processing and retention of application (37 CFR 1.21(l) and 1.53(d))			\$130.00	+
TOTAL FILING FEE =				\$ 563.00

## 6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total months requested</u>	<u>Fee for extension</u>	<u>[fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$190.00
<input type="checkbox"/> three months	\$ 870.00	\$435.00
<input type="checkbox"/> four months	\$1,360.00	\$680.00

Extension of time fee due with this request: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a Petition therefor.

☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## 7. Fee Payment

The total fee due is:	Completion Fees	<u>\$ 563.00</u>
	Extension Fees	<u>\$ 0.00</u>
	<b>Total Fees Due</b>	<b><u>\$ 563.00</u></b>


☒ Enclosed is check no. 105961 in the amount of \$ 563.00 representing the small entity filing fee of \$345.00; Missing Parts fee of \$65.00; fee for claims over 20 \$36.00 and the fee for independent claims over 3 \$117.00.

☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.
- ☐ Preliminary Amendment
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449
  - ☐ Citations
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

  
Erich E. Veitenheimer  
Reg. No. 40,420

Dated: July 17, 2000

CUSTOMER NO. 09629  
**MORGAN, LEWIS & BOCKIUS LLP**  
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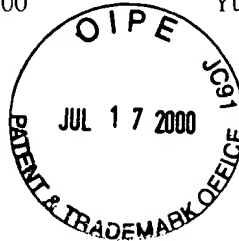
## FORMALITIES LETTER



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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/522,055	03/09/2000	Yung-Chi Cheng	044575-5064

Morgan Lewis & Bockius LLP  
1800 M Street N W  
Washington, DC 20036

Date Mailed: 05/16/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$306.
  - \$72 for 4 total claims over 20.
  - \$234 for 3 independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1126.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

07/19/2000 STEFFERA 00000026 09522055

01 FC:201	345.00 OP
02 FC:203	35.00 OP
03 FC:202	117.00 OP
04 FC:205	55.00 OP